

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

December 19, 2024

11:00 AM

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IN RE:

Case No. 824-72585-AST

JESSICA BRYAN
AKA JESSICA MERCEDES BRYAN
AKA JESSICA MERCEDES AYALA,

Hon. ALAN S. TRUST

NOTICE OF MOTION

Debtor.

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PLEASE TAKE NOTICE, that upon the within application, Krista M. Preuss, Chapter 13 Trustee will move this court before the Hon. Alan S. Trust, Chief U.S. Bankruptcy Judge, for the Eastern District of New York, on December 19, 2024 at 11:00 AM or as soon thereafter as counsel can be heard, for an order pursuant to 11 U.S.C. 1307(c) dismissing this Chapter 13 case and for such other and further relief as may seem just and proper.

Any hearing on the attached application will be held remotely, by telephone or video conference. No in-person hearing will be held in the Courthouse on the date set forth above.

Any party appearing must register at least two (2) business days in advance through eCourt Appearances at <https://ecf.nyeb.uscourts.gov/cgi-bin/nyebAppearances.pl>. Only parties registered in advance will receive login instructions. Additional information is provided in the Chief Judge's procedures at <https://www.nyeb.uscourts.gov/content/chief-judge-alan-s-trust>.

Responsive papers shall be filed with the bankruptcy court and served upon the Chapter 13 Trustee, Krista M. Preuss, Esq., no later than seven (7) days prior to the hearing date set forth above. Any responsive papers shall be in conformity with the Federal Rules of Bankruptcy Procedure and the Local Bankruptcy Rules for the Eastern District of New York, and indicate the entity submitting the response, the nature of the response and the basis of the response.

Date: Jericho, New York
November 25, 2024

/s/ Krista M. Preuss
KRISTA M. PREUSS, TRUSTEE
100 JERICO QUADRANGLE; STE 127
JERICO, NY 11753
(516) 622-1340

UNITED STATES BANKRUPTCY COURT
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IN RE:

Case No: 824-72585-AST

JESSICA BRYAN
AKA JESSICA MERCEDES BRYAN
AKA JESSICA MERCEDES AYALA,

Hon. ALAN S. TRUST

APPLICATION

Debtor.

=====X

TO THE HONORABLE ALAN S. TRUST, CHIEF U.S. BANKRUPTCY JUDGE:

Hanin R. Shadood, Staff Attorney to KRISTA M. PREUSS, Chapter 13 Trustee in the above-captioned estate, respectfully represents the following:

1. The Debtor filed a petition under the provisions of 11 U.S.C. Chapter 13 on July 1, 2024, and, thereafter, KRISTA M. PREUSS was duly appointed and qualified as Trustee.
2. The Debtor's proposed Chapter 13 Plan (hereinafter referred to as the "Plan") is dated July 1, 2024 and reflected on the Court's docket as number 2. The Plan provides for payments in the amount of \$5,400.00 per month for a period of 60 months. The Plan proposes full repayment to all allowed secured, priority, and timely filed general unsecured proofs of claim.
3. The Trustee objects to the confirmation of the Plan because the Plan is not adequately funded to provide for full repayment to all secured creditors as required by 11 U.S.C § 1325(a)(5), and the Debtor's supporting budget, schedules I & J, does not show an ability to increase plan payments to an amount which is sufficient to pay all secured creditors in full.
4. The Trustee objects to the confirmation of the Plan because the proposed monthly payment is insufficient to pay all general unsecured creditors in full as provided by the Plan. The Plan is not feasible and fails to comply with 11 U.S.C. §1325(a)(6).
5. The Trustee objects to the confirmation of the Plan because the Plan is not adequately funded to provide for full repayment to all priority proofs of claim as required by 11 U.S.C. § 1322(a)(2).
6. Furthermore, the Debtor has failed to:
 - a. comply with 11 U.S.C § 1325(a)(6) in that the Debtor has failed to submit timely Chapter 13 Plan payments to the Trustee, and is \$5,400.00 in arrears to the Chapter 13 Trustee through and including November 2024; and
 - b. provide the Trustee with disclosure documentation as required by E.D.N.Y LBR 2003-1(d); and
 - c. provide the Trustee with copies of canceled checks, receipts, money orders or other documentation of payment of all mortgage installments and real property lease payments that have come due since the filing of the petition as required by E.D.N.Y. LBR 2003-1(a)(vi) and (b)(i); and
 - d. provide and file copies of affidavits of contribution and copies of all payment advices or other evidence of payment received within 60 days before the date of filing of the petition, by each person contributing to the proposed plan or to payment of expenses of the debtor's household as required by E.D.N.Y. LBR 2003-1(a)(ii) and (c).

7. The Debtor's failure to provide these items impedes the Trustee's ability to administer this case and, therefore, is a delay that is prejudicial to the rights of the creditors of the Debtor pursuant to 11 U.S.C. §1307(c)(1).

8. Each of the foregoing constitutes cause to dismiss this Chapter 13 case within the meaning of 11 U.S.C. §1307(c).

WHEREFORE, the Chapter 13 Trustee respectfully requests that this Court enter an Order dismissing this Chapter 13 case and for such other and further relief as may seem just and proper.

Dated: Jericho, New York
November 25, 2024

s/Hanin R. Shadood
Hanin R. Shadood, Staff Attorney
Chapter 13 Trustee Krista M. Preuss

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

-----X Case No: 824-72585-AST
IN RE:

JESSICA BRYAN
AKA JESSICA MERCEDES BRYAN
AKA JESSICA MERCEDES AYALA,

CERTIFICATE OF SERVICE

Debtor.

-----X

This is to certify that I, Hanin R. Shadood, declare under penalty of perjury that I have sent the attached document to the below listed entities in the manner shown, and prepared the Certificate of Service and that it is true and correct to the best of my information and belief.

Notice by first class mail was sent to the following persons/entities:

JESSICA BRYAN
19 DARCY AVENUE
MANORVILLE, NY 11949

Notice by electronic transmission generated by the ECF system to the following person/entities pursuant to Bankruptcy Rule 9036:

DARREN ARONOW, ESQ., darren@dalawpc.com

Transmission times for electronic delivery are Eastern Time zone.

This November 25, 2024

/s/Hanin R. Shadood
Hanin R. Shadood, Staff Attorney
Office of the Standing Chapter 13 Trustee
Krista M. Preuss
100 Jericho Quadrangle; Suite 127
Jericho, NY 11753
(516) 622-1340

CASE NO: 824-72585-AST
Hon. ALAN S. TRUST

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

IN RE:

JESSICA BRYAN
AKA JESSICA MERCEDES BRYAN
AKA JESSICA MERCEDES AYALA,

Debtor.

NOTICE OF MOTION AND APPLICATION TO DISMISS CASE

KRISTA M. PREUSS, TRUSTEE
100 JERICO QUADRANGLE; STE 127
JERICO, NY 11753
(516) 622-1340